



DATE: July 18, 2017

TO: Mayor and City Council

FROM: Director of Information Technology/CIO

SUBJECT: Authorization to Negotiate and Execute an Agreement with Chabot-Las Positas Community College District for PEG Broadcasting Services

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to execute an agreement with Chabot-Las Positas Community College District for PEG Broadcasting Services.

SUMMARY

After partnering with Chabot Community College for the last seven years to provide education and public channel content production and broadcasting, staff recommends continuing this agreement by revising and extending the existing agreement for a period of one year.

BACKGROUND

In 2010, the City of Hayward executed an interim agreement with Chabot-Las Positas Community College District to provide content creation and broadcasting services for local PEG (Public, Education and Government) cable television channels.

This agreement was prompted by the state's passage of the Digital Infrastructure and Video Competition Act (DIVCA) in 2006. Prior to the DIVCA, a single local cable franchise owner, Comcast Communications and its predecessors, was responsible for all local public access channel programming and content produced by local community members at the Comcast Studios.

Under DIVCA, the authority of local governments to grant a single local cable franchise was changed to multiple competing cable franchises issued by the California Public Utilities Commission PUC). With this change, Comcast no longer was required to produce content for the public access channel and closed their studio used for these purposes. The City of Hayward selected Chabot Community College to provide this service, as they were already broadcasting the local education channel, and had the facilities, equipment and staff in place.

Currently, the City of Hayward can broadcast to three main cable channels in our area. The Government channel is KHRT, Comcast Channel 15 (AT&T Uverse Channel 99), which broadcasts City Council Meetings, Planning Commission Meetings, Hayward Unified School District Meetings, a bulletin board with local government events, and other City-produced content. Channel 15 broadcasts from the City Hall Council Chambers. The education Channel is KGTH, Comcast channel 27 (AT&T Uverse 99), which is managed by Chabot College, and broadcasts educational content. Comcast Channel 28 (also AT&T Uverse 99) is the Public Access Channel, broadcasting content from local area producers and Chabot staff. Channels 27 and 28 are both broadcast from Chabot College studios.

DISCUSSION

After executing the original interim agreement with Chabot College in 2010, the City of Hayward has issued a new purchase order yearly based on this agreement to continue providing PEG channel services to the community.

In 2017, Chabot College has implemented new financial policies requiring that all current agreements be reviewed and re-signed. Due to this Chabot College internal policy change, they will not be able to accept our purchase order based on our original contract, and we are required to submit a new agreement that has gone through the City of Hayward approval process.

Staff does not anticipate any substantive changes to the content of the agreement, and there will be no change in the amount of funding from the original agreement. Chabot has submitted a revised agreement with some typographical errors corrected, and a new Media Center use policy exhibit has been added with community access rules and regulations.

In the future, there will likely be a thorough review and re-negotiation of the agreement; however, the goal of this current approval process is to continue funding and avoid an interruption in service for the next year while any review process occurs.

FISCAL IMPACT

To fund the PEG channels, in 2008, the City passed an ordinance that activated specific rights under the DIVCA, including the right to receive 1% of the gross, taxable video revenues from each company granted a state cable franchise (Comcast and AT&T).

In FY 2018, the City budgeted \$220,000 in PEG revenues. The annual cost of the agreement with Chabot College in the original agreement was \$117,000 per year. The cost of the new one year agreement has not been increased and will not exceed \$117,000.

PUBLIC CONTACT

On June 28, 2017, staff provided an overview of this agreement to the Council Technology Application Committee (CTAC). Staff described the original PEG agreement and why this revised agreement is necessary. Staff recommended that Council authorize the City Manager

to negotiate and execute an agreement with Chabot-Las Positas Community College District for PEG Broadcasting Services. CTAC was in support of the agreement and staff's recommendations.

NEXT STEPS

If Council authorizes the City Manager to negotiate and execute this agreement, the effective date of the new agreement is anticipated to be by the end of July, 2017.

Prepared by: Mark Dostal, Information Technology Manager

Recommended by: Adam Kostrzak, Director of Information Technology/CIO

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is positioned above a horizontal line.

Kelly McAdoo, City Manager